

ASSEMBLY BILL

No. 724

Introduced by Assembly Member Cooley

February 21, 2013

An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as introduced, Cooley. Vehicles: driver's licenses.

The Brady-Jared Teen Driver Safety Act of 1997 requires, with a specified exception, that a driver's license issued to a person at least 16 years of age but under 18 years of age be issued pursuant to the provisional licensing program and consist of specified components. Existing law also requires that any term of restriction or suspension of the driving privilege imposed on a person remain in effect until the end of the term even though the person becomes 18 years of age before the term ends. Existing law permits the Department of Motor Vehicles to issue a distinctive driver's license, that displays a distinctive color or a distinctively colored stripe or other distinguishing characteristic, to persons at least 16 years of age and older but under 18 years of age, and to persons 18 years of age and older but under 21 years of age, so that the distinctive license feature is immediately recognizable. In addition, existing law requires that the features clearly differentiate between driver's licenses issued to persons at least 16 years of age or older but under 18 years of age and to persons 18 years of age or older but under 21 years of age. Under existing law, a violation of these provisions is an infraction.

This bill would change the references to the 18 years of age in those provisions, to 20 years of age thereby extending the provisional licensing

requirements. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12814.6 of the Vehicle Code is amended
2 to read:

3 12814.6. (a) Except as provided in Section 12814.7, a driver's
4 license issued to a person at least 16 years of age but under ~~18~~ 20
5 years of age shall be issued pursuant to the provisional licensing
6 program contained in this section. The program shall consist of
7 all of the following components:

8 (1) Upon application for an original license, the applicant shall
9 be issued an instruction permit pursuant to Section 12509. A person
10 who has in his or her immediate possession a valid permit issued
11 pursuant to Section 12509 may operate a motor vehicle, other than
12 a motorcycle or motorized bicycle, only when the person is either
13 taking the driver training instruction referred to in paragraph (3)
14 or practicing that instruction, provided the person is accompanied
15 by, and is under the immediate supervision of, a California licensed
16 driver 25 years of age or older whose driving privilege is not on
17 probation. The age requirement of this paragraph does not apply
18 if the licensed driver is the parent, spouse, or guardian of the
19 permitholder or is a licensed or certified driving instructor.

20 (2) The person shall hold an instruction permit for not less than
21 six months prior to applying for a provisional driver's license.

22 (3) The person shall have complied with one of the following:

23 (A) Satisfactory completion of approved courses in automobile
24 driver education and driver training maintained pursuant to
25 provisions of the Education Code in any secondary school of
26 California, or equivalent instruction in a secondary school of
27 another state.

1 (B) Satisfactory completion of an integrated driver education
2 and training program that is approved by the department and
3 conducted by a driving instructor licensed under Chapter 1
4 (commencing with Section 11100) of Division 5. The program
5 shall utilize segmented modules, whereby a portion of the
6 educational instruction is provided by, and then reinforced through,
7 specific behind-the-wheel training before moving to the next phase
8 of driver education and training. The program shall contain a
9 minimum of 30 hours of classroom instruction and six hours of
10 behind-the-wheel training.

11 (C) Satisfactory completion of six hours or more of
12 behind-the-wheel instruction by a driving school or an independent
13 driving instructor licensed under Chapter 1 (commencing with
14 Section 11100) of Division 5 and either an accredited course in
15 automobile driver education in any secondary school of California
16 pursuant to provisions of the Education Code or satisfactory
17 completion of equivalent professional instruction acceptable to
18 the department. To be acceptable to the department, the
19 professional instruction shall meet minimum standards to be
20 prescribed by the department, and the standards shall be at least
21 equal to the requirements for driver education and driver training
22 contained in the rules and regulations adopted by the State Board
23 of Education pursuant to the Education Code. A person who has
24 complied with this subdivision shall not be required by the
25 governing board of a school district to comply with subparagraph
26 (A) in order to graduate from high school.

27 (D) Except as provided under subparagraph (B), a student may
28 not take driver training instruction, unless he or she has
29 successfully completed driver education.

30 (4) The person shall complete 50 hours of supervised driving
31 practice prior to the issuance of a provisional license, which is in
32 addition to any other driver training instruction required by law.
33 Not less than 10 of the required practice hours shall include driving
34 during darkness, as defined in Section 280. Upon application for
35 a provisional license, the person shall submit to the department
36 the certification of a parent, spouse, guardian, or licensed or
37 certified driving instructor that the applicant has completed the
38 required amount of driving practice and is prepared to take the
39 department's driving test. A person without a parent, spouse,
40 guardian, or who is an emancipated minor, may have a licensed

1 driver 25 years of age or older or a licensed or certified driving
2 instructor complete the certification. This requirement does not
3 apply to motorcycle practice.

4 (5) The person shall successfully complete an examination
5 required by the department. Before retaking a test, the person shall
6 wait for not less than one week after failure of the written test and
7 for not less than two weeks after failure of the driving test.

8 (b) Except as provided in Section 12814.7, the provisional
9 driver's license shall be subject to all of the following restrictions:

10 (1) Except as specified in paragraph (2), during the first 12
11 months after issuance of a provisional license the licensee may
12 not do any of the following unless accompanied and supervised
13 by a licensed driver who is the licensee's parent or guardian, a
14 licensed driver who is 25 years of age or older, or a licensed or
15 certified driving instructor:

16 (A) Drive between the hours of 11 p.m. and 5 a.m.

17 (B) Transport passengers who are under 20 years of age.

18 (2) A licensee may drive between the hours of 11 p.m. and 5
19 a.m. or transport an immediate family member without being
20 accompanied and supervised by a licensed driver who is the
21 licensee's parent or guardian, a licensed driver who is 25 years of
22 age or older, or a licensed or certified driving instructor, in the
23 following circumstances:

24 (A) Medical necessity of the licensee when reasonable
25 transportation facilities are inadequate and operation of a vehicle
26 by a minor is necessary. The licensee shall keep in his or her
27 possession a signed statement from a physician familiar with the
28 condition, containing a diagnosis and probable date when sufficient
29 recovery will have been made to terminate the necessity.

30 (B) Schooling or school-authorized activities of the licensee
31 when reasonable transportation facilities are inadequate and
32 operation of a vehicle by a minor is necessary. The licensee shall
33 keep in his or her possession a signed statement from the school
34 principal, dean, or school staff member designated by the principal
35 or dean, containing a probable date that the schooling or
36 school-authorized activity will have been completed.

37 (C) Employment necessity of the licensee when reasonable
38 transportation facilities are inadequate and operation of a vehicle
39 by a minor is necessary. The licensee shall keep in his or her
40 possession a signed statement from the employer, verifying

1 employment and containing a probable date that the employment
2 will have been completed.

3 (D) Necessity of the licensee or the licensee's immediate family
4 member when reasonable transportation facilities are inadequate
5 and operation of a vehicle by a minor is necessary to transport the
6 licensee or the licensee's immediate family member. The licensee
7 shall keep in his or her possession a signed statement from a parent
8 or legal guardian verifying the reason and containing a probable
9 date that the necessity will have ceased.

10 (E) The licensee is an emancipated minor.

11 (c) A law enforcement officer shall not stop a vehicle for the
12 sole purpose of determining whether the driver is in violation of
13 the restrictions imposed under subdivision (b).

14 (d) A law enforcement officer shall not stop a vehicle for the
15 sole purpose of determining whether a driver who is subject to the
16 license restrictions in subdivision (b) is in violation of Article 2.5
17 (commencing with Section 118947) of Chapter 4 of Part 15 of
18 Division 104 of the Health and Safety Code.

19 (e) (1) Upon a finding that any licensee has violated paragraph
20 (1) of subdivision (b), the court shall impose one of the following:

21 (A) Not less than eight hours nor more than 16 hours of
22 community service for a first offense and not less than 16 hours
23 nor more than 24 hours of community service for a second or
24 subsequent offense.

25 (B) A fine of not more than thirty-five dollars (\$35) for a first
26 offense and a fine of not more than fifty dollars (\$50) for a second
27 or subsequent offense.

28 (2) If the court orders community service, the court shall retain
29 jurisdiction until the hours of community service have been
30 completed.

31 (3) If the hours of community service have not been completed
32 within 90 days, the court shall impose a fine of not more than
33 thirty-five dollars (\$35) for a first offense and not more than fifty
34 dollars (\$50) for a second or subsequent offense.

35 (f) A conviction of paragraph (1) of subdivision (b), when
36 reported to the department, may not be disclosed as otherwise
37 specified in Section 1808 or constitute a violation point count value
38 pursuant to Section 12810.

39 (g) Any term of restriction or suspension of the driving privilege
40 imposed on a person pursuant to this subdivision shall remain in

1 effect until the end of the term even though the person becomes
2 18 20 years of age before the term ends.

3 (1) The driving privilege shall be suspended when the record
4 of the person shows one or more notifications issued pursuant to
5 Section 40509 or 40509.5. The suspension shall continue until any
6 notification issued pursuant to Section 40509 or 40509.5 has been
7 cleared.

8 (2) A 30-day restriction shall be imposed when a driver's record
9 shows a violation point count of two or more points in 12 months,
10 as determined in accordance with Section 12810. The restriction
11 shall require the licensee to be accompanied by a licensed parent,
12 spouse, guardian, or other licensed driver 25 years of age or older,
13 except when operating a class M vehicle, or so licensed, with no
14 passengers aboard.

15 (3) A six-month suspension of the driving privilege and a
16 one-year term of probation shall be imposed whenever a licensee's
17 record shows a violation point count of three or more points in 12
18 months, as determined in accordance with Section 12810. The
19 terms and conditions of probation shall include, but not be limited
20 to, both of the following:

21 (A) The person shall violate no law which, if resulting in
22 conviction, is reportable to the department under Section 1803.

23 (B) The person shall remain free from accident responsibility.

24 (h) Whenever action by the department under subdivision (g)
25 arises as a result of a motor vehicle accident, the person may, in
26 writing and within 10 days, demand a hearing to present evidence
27 that he or she was not responsible for the accident upon which the
28 action is based. Whenever action by the department is based upon
29 a conviction reportable to the department under Section 1803, the
30 person has no right to a hearing pursuant to Article 3 (commencing
31 with Section 14100) of Chapter 3.

32 (i) The department shall require a person whose driving privilege
33 is suspended or revoked pursuant to subdivision (g) to submit proof
34 of financial responsibility as defined in Section 16430. The proof
35 of financial responsibility shall be filed on or before the date of
36 reinstatement following the suspension or revocation. The proof
37 of financial responsibility shall be maintained with the department
38 for three years following the date of reinstatement.

39 (j) (1) Notwithstanding any other provision of this code, the
40 department may issue a distinctive driver's license, that displays

1 a distinctive color or a distinctively colored stripe or other
2 distinguishing characteristic, to persons at least 16 years of age
3 and older but under ~~18~~ 20 years of age, and to persons ~~18~~ 20 years
4 of age and older but under 21 years of age, so that the distinctive
5 license feature is immediately recognizable. The features shall
6 clearly differentiate between driver's licenses issued to persons at
7 least 16 years of age or older but under ~~18~~ 20 years of age and to
8 persons ~~18~~ 20 years of age or older but under 21 years of age.

9 (2) If changes in the format or appearance of driver's licenses
10 are adopted pursuant to this subdivision, those changes may be
11 implemented under any new contract for the production of driver's
12 licenses entered into after the adoption of those changes.

13 (k) The department shall include, on the face of the provisional
14 driver's license, the original issuance date of the provisional
15 driver's license in addition to any other issuance date.

16 (l) This section shall be known and may be cited as the
17 Brady-Jared Teen Driver Safety Act of 1997.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.